

**From:** Mick McQuaid  
**To:** Microsoft ATR  
**Date:** 1/28/02 6:00pm  
**Subject:** Public Comment on Microsoft Settlement

I am a university-based research scientist developing software to reduce information overload. My sponsors include the US Army Research Lab, which hopes my software will reduce information overload for tactical commanders in battle, and the Ford Foundation's Community Development Program, which hopes my software will do the same for overworked, underpaid community development workers.

In my research, I am a consumer of computer hardware and software, as are my sponsors, their customers, and the students who work in my lab. In my view, we are all harmed by Microsoft's monopoly, and this harm is not addressed by the proposed settlement.

As a public university, and with government agencies and charitable community foundations as our sponsors, we are acutely aware of the need to save money. One way we believe we could accomplish this is by using free operating systems such as Linux or FreeBSD instead of Windows. We have been stymied in our efforts to purchase computers with free operating systems or no operating systems.

We found that purchasing a computer from a vendor, Gateway, with no operating system cost just as much as to purchase it with Windows and also led to a warranty problem where the computer was not warranted to operate with any particular operating system. We were warned by our vendor, Gateway, that we should have purchased our computer with Windows, then installed a free operating system to coexist with it. For any remedy to be effective, Windows should be an extra-cost add-on to a basic Gateway computer that we purchase or recommend to the military commanders and community development workers who'll use our software.

A second source of harm to me as a consumer comes from Microsoft's secret file formats. The only way my software can reduce information overload

for military commanders and community development workers is if my software can read and write the file formats for information with which these workers are inundated. Other vendors and researchers publish their file formats. Microsoft does not. I can not avoid using Microsoft file formats and must spend extra money to try to keep up with changes to them. Through a model called "embrace and extend," Microsoft is able to use its monopoly position to change file formats such as Rich Text Format over time to reduce interoperability among customers and competitors. Only a remedy that forces Microsoft to publish file formats so that they cease to be a monopoly-strengthening tool can provide effective relief for me as a consumer.

A third source of harm to me as a consumer concerns my ability to use the World Wide Web without the requirement that I use Microsoft products. I can not browse certain web pages nor conduct transactions on certain websites because the authors of a free operating system running on my computer do not have access to Microsoft networking protocols. Fortunately, not every web site is forbidden because I have chosen a free operating system, but more sites are denied me every day. Two years ago, I believed that free operating systems like Linux were the wave of the future. In the past year, I have come to realize that Microsoft is working actively to shut down free operating systems by making access to the Internet more difficult for those who fail to access using current Microsoft products. Only a remedy that forces Microsoft to publicly reveal networking protocols such that users of free operating systems have a chance to rewrite their software to visit websites and conduct transactions.

To summarize, I have been harmed as a consumer by Microsoft's monopoly. The proposed settlement does not offer me any relief from that harm and I suggest in this message three requirements that would have to be met to provide that relief: (1) make Microsoft operating systems an extra-cost add-on to computers, (2) compel Microsoft to publish file formats it uses to maintain and extend its monopoly to the desktop, and (3)

compell Microsoft to publish networking standards it uses to maintain and extend its monopoly to the Internet.

I have never written to comment on any such settlement before, in part because I never been persuaded of the gravity of such a situation. The proposed settlement shocks me as a consumer and I can only explain it by taking into account the profound effect that recent events have had on the DOJ mindset about what constitutes the national interest. Possibly DOJ has become less aggressive toward violators during a period of national mourning. Now it is time for cooler heads to prevail and to demonstrate to the public that our government considers the national interest to include what is best for consumers, not merely what is best for corporations.

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